

San Mateo County Immigrant Forum
Meeting Notes
1/18/2023

1. Welcome & Introductions: Jennifer Llamas & Emily Smith

- a. Thank you to all for joining us on Zoom. The Immigrant Forum will be held virtually until further notice

2. USCIS Updates: Sai Phavisith, Community Relations Specialist, USCIS

- a. Effective Dec. 12, 2022, U.S. Citizenship and Immigration Services (USCIS) is updating the USCIS policy to allow USCIS to automatically extend the validity of Permanent Resident Cards (commonly called Green Cards) for lawful permanent residents who have applied for naturalization. This update is expected to help naturalization applicants who experience longer processing times, because they will receive an extension of lawful permanent resident (LPR) status and may not need to file Form I-90, Application to Replace Permanent Resident Card (Green Card). LPRs who properly file Form N-400, Application for Naturalization, may receive this extension without regard to whether they filed Form I-90. USCIS will update the language on Form N-400 receipt notices to extend Green Cards for up to 24 months for these applicants. The receipt notice can be presented with the expired Green Card as evidence of continued status as well as identity and employment authorization under List A of Employment Eligibility Verification (Form I-9), if presented before the expiration of the 24-month extension period provided in the notice. The extension will apply to all applicants who file Form N-400 on or after Dec. 12, 2022. LPRs who filed for naturalization prior to Dec. 12 will not receive a Form N-400 receipt notice with the extension. If their Green Card expires, they generally must still file Form I-90 or receive an ADIT stamp in their passport, in order to maintain valid evidence of their lawful permanent resident status.
- b. USCIS recently announced that, effective Nov. 21, 2022, certain Ukrainian and Afghan parolees are employment authorized incident to their parole. This means that they do not need a Form I 766, Employment Authorization Document, to be employment authorized. This updated policy guidance applies to the following individuals so long as their parole has not expired or been terminated:
 - i. Parolees who have an OAR class of admission (COA);
 - ii. Parolees with a UHP COA; and
 - iii. Parolees with DT COA who were paroled into the United States between Feb. 24, 2022, and Sept. 30, 2023 and whose I 94 indicates Ukraine as country of citizenship.
- c. After the 90-day period, parolees must present an EAD or unrestricted Social Security card and acceptable List B identity document from the Form I-9 Lists of Acceptable Documents (such as a state-issued driver's license or identification card). Ukrainian and Afghan parolees must still file a Form I-765 to receive a physical EAD. USCIS will provide additional guidance for employers about completion of Form I-9, Employment Eligibility Verification.

- d. If you file Form I-485, Application to Register Permanent Residence or Adjust Status, on or after Dec. 23, 2022, you must use the 12/23/22 edition of Form I-485 or we will reject your filing. If you file Form I-485 before Dec. 23, 2022, you must use the 07/15/22 edition of Form I-485 or we will reject your filing. On Sept. 9, 2022, DHS published the Public Charge Ground of Inadmissibility final rule to provide clarity and consistency for noncitizens on how DHS will administer the public charge ground of inadmissibility. The new final rule will go into effect on Dec. 23, 2022, and requires collection of information in the new 12/23/2022 edition of Form I-485.
- e. U.S. Citizenship and Immigration Services announced it is extending and expanding previously announced filing fee exemptions and expedited application processing for certain Afghan nationals. These actions will help Afghan nationals resettle, and in many cases reunite with family, in the United States by enabling USCIS to process their requests for work authorization, long-term status, status for immediate relatives, and associated services more quickly. We encourage you to use the webpages below to learn more about the eligibility details for each type of filing you may wish to pursue. Certain Afghan nationals are eligible for the following fee exemptions and expedited processing, through Sept. 30, 2023:
 - i. Fee Exemptions:
 1. An initial Form I-765, Application for Employment Authorization, for Afghan nationals who are applying for work authorization on the basis of parole (eligibility category (c)(11));
 2. Form I-485, Application to Register Permanent Residence or Adjust Status, to adjust status on the basis of Afghan special immigrant classification, and any associated Form I-601, Application for Waiver of Grounds of Inadmissibility;
 3. Form I-130, Petition for Alien Relative, filed with USCIS in the United States on behalf of any Afghan national (beneficiary) with a visa immediately available;
 4. Form I-824, Application for Action on an Approved Application or Petition, for an Afghan holding a Special Immigrant Visa;
 5. Form I-601 for any Afghan national with an approved Form I-130 with a visa immediately available; and
 6. USCIS Immigrant Fee (Form I-551) for Afghan nationals.
 - ii. Expedited Processing:
 1. An initial and replacement Form I-765 for those applying for employment authorization on the basis of parole (eligibility category (c)(11));
 2. Form I-485 for Afghan nationals seeking to adjust status on the basis of Afghan special immigrant classification, and any associated Form I-601;
 3. Form I-589, Application for Asylum and for Withholding of Removal, filed by certain Afghan parolees as described in Section 2502(a) of the Extending Government Funding and Delivering Emergency Assistance Act;

4. Form I-130, filed with USCIS in the United States on behalf of an Afghan national (beneficiary) with a visa immediately available, and any associated Form I-601; and
 5. Form I-140, Immigrant Petition for Alien Workers, filed with USCIS on behalf of an Afghan national (beneficiary) with a visa immediately available.
- f. Announced 4 parole programs for the following countries: Venezuela, Haiti, Cubans, Nicaraguans that is very similar to U4U: <https://www.uscis.gov/CHNV>
 - g. New Public Charge policy began on 12/23: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/public-charge/public-charge-resources>
 - h. Today, U.S. Citizenship and Immigration Services (USCIS) published a Notice of Proposed Rulemaking (NPRM) to adjust certain immigration and naturalization benefit request fees. The new fees would allow USCIS to more fully recover its operating costs, reestablish and maintain timely case processing, and prevent the accumulation of future case backlogs. USCIS receives approximately 96 percent of its funding from filing fees, not from congressional appropriations. The 60-day public comment period starts following publication of the NPRM in the Federal Register. Fees will not change until the final rule goes into effect, after the public has had the opportunity to comment and USCIS finalizes the fee schedule in response to such comments. To submit comments: <https://www.uscis.gov/proposed-fee-rule-frequently-asked-questions>

3. Legal Updates: Alison Kamhi, Legal Program Director, ILRC

- a. Fee rule:
 - i. U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements, 88 Fed. Reg. 402 (Jan. 4, 2023)
 - ii. Not as drastic as Trump admin fee rule from 2020 but still significant
 - iii. In 2020 ILRC was part of the challenge to the fee increases
 - iv. Some double digit percentage increases in some categories in current proposed version
 - v. No fee for asylum application as there was in the 2020 rule
 - vi. Categorical exemptions for some statuses from fees:
 1. T visas for survivors of human trafficking
 2. U visas for survivors of domestic violence and other serious crimes
 3. Relief under Violence Against Women Act
 4. Abused spouses and children seeking benefits under NACARA
 5. Special Immigrant Juvenile Status for abandoned, abused, neglected youth
 6. Travel docs for persons admitted or paroled as refugees

- b. Public Charge Updates:
 - i. September 2022 Biden admin public charge rule is in effect. Community members who are subject to it can still access healthcare, food assistance, and housing programs without triggering inadmissibility
 - ii. Supreme Court ruled states couldn't intervene
 - iii. Texas filed another lawsuit in early January in S.D. Tex., drawing Judge Tipton, to challenge public charge rule on admin law grounds
 - iv. Unclear if Texas courts can reinstate Trump era rule, as it has been vacated by 7th Cir.
 - v. If Texas prevails in this case and the new rule is vacated, there is an argument that the status quo ante is actually the 1999 guidance rather than the vacated 2020 rule
- c. No news on DACA
- d. DHS Announces New Guidance for Labor Disputes
 - i. [NILC FAQs Document](#)
 - ii. On Friday, January 13, 2023, the DHS announced new guidance to protect migrant and immigrant workers who experience or witness labor or civil rights violations at the workplace. Undocumented workers or workers on temporary work visas who experience or are witness to labor violations at their worksite can now report these violations to federal or state labor agencies and, with the support of those agencies, receive protection from deportation and access to work authorization from DHS. First send the request to a labor agency which will make a statement of interest to USCIS, deferred action can result. People who may not qualify for a U could be a witness and qualify under this.
 - iii. [https://www.ilrc.org/webinars/seeking-deferred-action-immigrants-labor-disputes ILRC webinar Mar 28](https://www.ilrc.org/webinars/seeking-deferred-action-immigrants-labor-disputes-ILRC-webinar-Mar-28)

4. The Museum of the American Revolution Citizenship Initiative – Dana Devon, Project Director and Lead Instructor

- a. Launched in 2012.
- b. Use some of the art, objects and documents from the museum to teach U.S. history, the Constitution, etc. to those who are preparing for the naturalization test.
- c. Pedagogy is object-based and inquiry-based.
- d. Example: 1790 State Census document covers about 12 questions on the test.
- e. This course is offered online and next course begins in January.
- f. Also offer mini-citizenship courses, 1 hour.
 - i. Thinking like a Historian
 - ii. Mini-Citizenship Workshop
- g. Now partnering with De Young Museum and using some of the artifacts in their collection for instruction.
- h. When participants sign up, they only ask for name, cell phone and email to enroll. Don't ask any other demographic information.

- i. For intermediate level ELL speakers, not beginners.
- j. Capacity of course: About 30-35 students.
- k. Duration of the course: Monday and Wednesday for 4 weeks.
- l. At final session, representative from USCIS comes to speak about N-400 and interview process.
- m. At end of course, participants are invited to reception at De Young museum.
- n. Appropriate for learners as well as citizenship educators.

5. Office of Community Affairs (OCA) Updates

- a. Storm Response
- b. Immigrant Resource Guide
- c. Spotlight events 2023
- d. Certified Welcoming

6. Agency Update Roundtable: All

- a. **Red Cross**
 - i. Floods hit several communities
 - 1. Belmont Trailer Park
 - 2. Pescadero
 - 3. Offer services regardless of immigration status.
- b. **BHRS ODE - Nicoletta Kelleher**
 - i. Parent Project Class – still accepting new attendees
 - ii. First class was last week at RWC Library
- c. **Multicultural Institute**
 - i. Christmas celebration for day laborers was a success
 - ii. Distributed about 160 gifts as well as Christmas lunch